

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON COLE,)	
Plaintiff,)	Civil Action No. 15-104
)	United States Magistrate Judge
v.)	Cynthia Reed Eddy
)	
RICK ENCAPERA, TERRY CHILDS,)	
JUSTIN SCHULTZ and)	
CALIFORNIA BOROUGH)	
Defendant.)	

ORDER

CYNTHIA REED EDDY, United States District Judge.

AND NOW, this 11th day of December, 2015, after consideration of Defendant Justin Shultz's motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) [[ECF No. 32](#)] and Defendants California Borough, Rick Encapera and Terry Childs' motion to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) [[ECF No. 34](#)] along with the attendant briefs and responses,

IT IS HEREBY ORDERED that Defendant Justin Shultz's motion to dismiss [[ECF No. 32](#)] is DENIED;

IT IS FURTHER ORDERED that Defendants California Borough, Rick Encapera and Terry Childs' motion to dismiss [[ECF No. 34](#)] is DENIED.

IT IS FURTHER ORDERED that the Defendants file an Answer to Plaintiff's Second Amended Complaint by January 8, 2016.

By the Court,

/s Cynthia Reed Eddy
CYNTHIA REED EDDY
United States Magistrate Judge

cc: *Counsel for Plaintiff*
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